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Via ECF & Email: [Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)

Honorable Katherine Polk Failla, U.S.D.J.  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Schwartz v. HSBC Bank USA, N.A.*, Case No. 14-CV-9525 (KPF)

Dear Judge Failla:

As Plaintiff's counsel in the above-referenced case, I am attaching, as Exhibit A, a copy of the recent Opinion & Order of the Honorable Nelson S. Roman, U.S.D.J., in *Bellino v. JP Morgan Chase Bank, N.A.*, No. 14-CV-3139, 2016 WL 5173392 (S.D.N.Y. Sept. 20, 2016). Judge Roman denied a motion for summary judgment under *Spokeo, Inc. v. Robins*, \_\_\_ U.S. \_\_\_, 136 S.Ct. 1540, 194 L.Ed.2d 635 (2016), for alleged lack of standing on grounds that are equally applicable here.

Because the pending *Spokeo*-triggered motion to dismiss has been fully briefed, I am submitting Judge Roman's Opinion & Order without argument.

Respectfully,

/s/ Brian L. Bromberg  
Brian L. Bromberg

cc: All Attorneys of Record (via ECF & Email)